

**From:** L. C. Rees  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

I oppose the Proposed Final Judgment in United States v. Microsoft.

The PFJ is a pardon, yet no sentence has been given. Pardons follow sentences, correcting injustice, yet Microsoft has suffered no injustice. The Findings of Fact say Microsoft committed a crime, yet, in the PFJ, we see no sentence, we see no punishment, we barely see crime.

The crime is there. No pardon, no "settlement", can wipe it clean.

Microsoft's crime is treason.

It calls convenience at the price of security "adding ease of use to their products". I call it giving aid and comfort to the enemies of the United States.

It calls hiding security holes from its customers "keeping critical information in the hands of responsible parties". I call it adhering to the enemies of the United States.

It calls selling products so porous they beg to be breached "enhancing shareholder value". I call it levying war upon the United States.

Is the gunmaker responsible for its gun's crimes? The gunmaker can be excused: a gun is designed to kill. Software is not but crimes committed with software can be greater; guns can kill people, software can kill nations. Microsoft bears greater guilt than the gunmaker. Its crime stems not from conscious design but from conscious neglect, making it more explicit and more damning.

Microsoft is a clear and present danger to the United States of America. Through its neglect of security, compounded by bottomless arrogance, Microsoft has left this country vulnerable to those who would destroy it. It has committed treason in spirit if not in fact.

Victory is not a crime. Victory rotting the nation's foundations is. Microsoft's victory left behind a brittle software ecosystem with gaping holes. The price of total victory is total vulnerability. The software infrastructure of our government and business lies open to all comers.

Enemies of democracy are ever active. Their hold over the minds of their followers gives them greater focus in the short run than democracies. Democracies win in the long run but in the short they lack focus. The United States slumbers happily, free from history; our blessing, our curse.

In the past we had time to react. That time is over. The world is ever smaller, ever faster. The margin for error is gone. We cannot see every threat. We cannot attack every shadow. We must eventually man the defenses and just wait. The terrorist has total initiative, the gift of his madness; he can choose his point of attack. It helps if the walls deterring his attack aren't labeled "Kick Me".

Microsoft's self-declared jihad is "ease of use". Ease of use is a freedom, true. In a networked world, however, the road to hell is not only paved but greased with this sort of good intention. The freedoms of a standalone machine are different than those of a machine tethered to the world. Microsoft is oblivious to this. They act as if every machine is an island unto itself.

Defenders of Microsoft quote Ben Franklin's dictum that "He who gives up a little freedom for greater security will get neither freedom or security". Freedom to be raped because Microsoft dropped your trousers is no freedom at all. You must be secure before you can appreciate ease of use. Microsoft's ease of use is synonymous with aid and comfort, aid and comfort to the enemy. No dancing paper clip will save you when the gates are breached.

It's said Sparta needed no walls because its virtue protected it. In truth, Sparta's streets and houses grew so twisted over the years that they were impenetrable. Perhaps Microsoft products with their tortuous mazes of accumulated source code are like Sparta. Perhaps this confusion is our best defense against invasion. It wouldn't be Microsoft's virtue.

If you're native to the maze, stuck with it, it helps to know where you can defend your native city. Microsoft has denied that knowledge. They condescendingly tell you that they will guard the city while you go about your business. With their track record, would you trust them?

Microsoft has cast its lot with the enemies of democracy. Openness is a key ingredient of democracy. Microsoft abhors openness. Too much knowledge is dangerous for you, it tells its customers. We will protect you. Trust us. In their heart, Microsoft is adhering to the enemies of the United States, with their doctrines of "We Know Best".

Microsoft's greatest treason is its war on choice. By destroying choice, they have left us vulnerable to attack. As the only choice for many needs, many Americans are locked into Microsoft's products with their Swiss cheese

defenses, including critical portions of our defense infrastructure.

Microsoft's unyielding war on its competition has become war on the United States. In burning their enemies, Microsoft burned down the forest. Those left behind can only shiver in the cold of a suddenly wide open world.

Choices do remain. Microsoft's incessant manipulations of the market so warped its fabric that no commercial competitors survive. The only opposition is a social movement, open source software, that can't be crushed with tactics available to private corporations. Its products are free. Countries at the periphery, with less reliance on Microsoft products, will adopt and adapt them and move ahead less cost. American organizations, reliant on Microsoft, will be left behind, with costs to our national competitiveness as well as our national defense.

Microsoft will fail. Its best competitors are free. In the end, you can't beat free. But we can spare our country the cost of going down with Microsoft's losing rearguard action by easing the transition to cheaper, more secure software. The roads to adapting to the Microsoft-free world of the future are closed. Government action at this point can open them, allowing organizations who wish to adapt to new technologies the freedom to change. The ability to change is our greatest strength. Microsoft threatens that.

Treason should be suppressed. Microsoft should be required to put security over convenience, be it theirs or the consumers, open their code so that the holes can be exposed and fixed in the light of day, and they should be forced to ship products that don't leave us vulnerable to foreign threats.

If every Microsoft shareholder has to lose one hundred dollars for every illgotten dollar Microsoft made, such are the wages of sin. But the future of this nation should not be held hostage to a criminal private corporation. Microsoft is not the fulfillment of the American dream, it is its negation.

Lynn C. Rees  
Salt Lake City, UT  
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